

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LANCE LESTER,

Plaintiff,

v.

JAMES COX et al.,

Defendants.

Case No. 2:15-cv-00007-GMN-NJK

ORDER

I. DISCUSSION

On January 13, 2015, this Court issued a screening order dismissing Plaintiff's complaint in its entirety, without prejudice, with leave to amend. (ECF No. 5 at 8). This Court granted Plaintiff 30 days from the date of that order to file his amended complaint or the Court would dismiss the case without prejudice. (*Id.*).

On January 16, 2015, Plaintiff filed a letter requesting that the Court cancel his filings in this case because his case was premature and he needed to correct the errors to survive the screening process. (ECF No. 7-1 at 1). The Court interprets this letter as a motion to voluntarily dismiss this action.

Pursuant to Federal Rule of Civil Procedure 41, a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff's motion to voluntarily dismiss this case because no responsive pleading has been served in this case. As such, the Court dismisses this case without prejudice.

II. CONCLUSION

For the foregoing reasons, **IT IS ORDERED** that the Court interprets Plaintiff's letter (ECF No. 7-1) as a motion to voluntarily dismiss this case.

1 **IT IS FURTHER ORDERED** that the Court **GRANTS** the motion to voluntarily
2 **DISMISS** this case, **without prejudice**, pursuant to Federal Rule of Civil Procedure
3 41(a)(1)(A)(i).

4 **DATED** this 24th day of February, 2015.

5
6
7 
8 _____
9 Gloria M. Navarro, Chief Judge
10 United States District Court
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28